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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/596,145	04/11/2007	Yoshiharu Kitamura	72255	2788		
23872	7590	12/18/2009	EXAMINER			
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227				MILLER, WILLIAM L		
ART UNIT		PAPER NUMBER				
3677						
MAIL DATE		DELIVERY MODE				
12/18/2009		PAPER				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/596,145	KITAMURA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William L. Miller	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 June 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-6 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>20060601</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, 2, 5, and 6 are objected to because of the following informalities:
2. claim 1, line 6, change “other” to --another--;
3. claim 2, line 6, change “other” to --another--;
4. claim 5, line 3, after “two” insert --said--;
5. claim 5, line 4, change “portions” to --surfaces--; and
6. claim 6, line 2, change “int hat” to --in that--.
7. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

8. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Claims 1-3 are incomplete for lacking sufficient structure to enable the function of the second bracket and plate spring member being pressed against and held in contact with each other. The presser washer 4 must be claimed.
10. Claim 2 contradicts the drawings as the drawings show friction member 3 is non-rotatably installed on the shaft. The claim and/or the drawings may need revised.
11. Claim 4 is inaccurate as one plate spring member cannot sandwich the second bracket. A second plate spring washer must be claimed.

### ***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by JP2003-161311 (hereinafter “JP311”).

14. Regarding claim 1, JP311 discloses a hinge device for connecting one member and another member so that the hinge device allows opening and closing, comprising: a movable shaft 6; a first bracket 5 non-rotatably fixed to the movable shaft and fixed to the one member; a second bracket 7 rotatably and axially movably installed on the movable shaft and fixed to the other member; and a plate spring member 13 formed in a curved configuration (circular), having at a top of the curved configuration of the plate spring member a projection 13A whose surface in contact with the second bracket is flat, and non-rotatably and axially movably installed on the movable shaft, characterized in that the second bracket and the plate spring member are pressed against and held in contact with each other and make relative rotation.

15. Regarding claim 2, JP311 discloses a hinge device for connecting one member and another member so that the hinge device allows opening and closing, comprising: a movable shaft 6; a first bracket 5 non-rotatably fixed to the movable shaft and fixed to the one member; a second bracket 7 rotatably and axially movably installed on the movable shaft and fixed to the other member; a plate spring member 13 formed in a curved configuration (circular), having at a top of the curved configuration of the plate spring member a projection 13A whose surface in contact with the second bracket is flat, and non-rotatably and axially movably installed on the

movable shaft; and a friction member 15 rotatably and axially movably installed on the movable shaft, characterized in that the plate spring member and the friction member are installed so that the plate spring member and the friction member sandwich the second bracket and are pressed against and held in contact with the second bracket and make relative rotation with respect to each other.

16. Regarding claim 3, the second bracket is provided with one or a plurality of cutouts 8A in which the projection of the plate spring member drops, and that an inherent tactile feel is generated when the projection of the plate spring member is matched with the cutouts as the second bracket and the plate spring member make relative rotation while pressed against and held in contact with each other.

17. Regarding claim 4, the second bracket is sandwiched by elements 15 and 13 thus element 15 is being viewed and labeled as part of the above defined plate spring member 13.

18. Regarding claim 6, element 12 is being viewed and labeled as a reinforcing plate spring member as it is stacked on the plate spring member and thus reinforces the plate spring member.

#### ***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP311.

21. Regarding claim 5, although JP311 disclose the plate spring member has two projections 13A whose surfaces in contact with the second bracket are flat, JP311 fails to disclose the areas

of the flat portions being different from projection to projection. However, it would have been an obvious design consideration to modify JP311 such that the flat surface area of each projection was different as discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William L. Miller/  
Primary Examiner, Art Unit 3677  
23.